

Greater Leadership Overseas for the Benefit of Equality (GLOBE) Act

Section 1: Short Title – “Greater Leadership Overseas for the Benefit of Equality (GLOBE) Act”

Section 2: Findings

- Notes overarching democratic and human rights goals.
- Places LGBTI efforts in that context.
- Describes current climate for LGBTI rights, patterns of rights violations, negative health outcomes and economic disparities for LGBTI individuals.
- Highlights heightened challenges facing transgender and intersex individuals.
- Outlines broad-brush corresponding needs.
- Acknowledges efforts to date.
- Notes insufficiency, thus importance of whole-of-government approach.
- Highlights importance of asylum/refugee protection as final protection tool in this context.
- References parallel value of public-private efforts and partnerships.
- Highlights public diplomacy tools and exchanges.
- Posits importance of transparency in goals, efforts, funding.

Section 3: Documenting and Responding to Bias-Motivated Violence Against LGBTI People Abroad

- Codifies Department of State annual human rights reporting on incidents of violence or discrimination that affects LGBTI populations and their fundamental freedoms. [Parallels provisions in International Human Rights Defense Act (HR 6033, S 3020).]
- Diplomatic posts shall provide an analysis for the Secretary of State of factors enabling or aggravating this violence or discrimination and any steps (public or private) posts have taken to address those violation. This information shall be included in regional strategic plans for the State Department with tailored strategies to respond to the human rights concerns in each region.
- Establishes an interagency group [building on the process established by the National Security Council under the Obama Administration] to respond to urgent threats directed at LGBTI populations, while developing longer term responses to human rights concerns, informing the President on appropriate sanctions designations, and identifying U.S. laws, policies or strategies that could be shared with other countries to support their response to violence and discrimination.
- Codifies the State Department Special Envoy for the Human Rights of LGBTI Persons within the Human Rights Bureau (DRL). [Parallels provisions in International Human Rights Defense Act (HR 6033, S 3020).]
- International Law Enforcement Academies (ILEAs) supported by United States assistance shall provide training on LGBTI rights and appropriate responses to hate violence.

Section 4: Sanctions on Individuals Responsible for Violations of Human Rights Against LGBTI People

- [The majority of this section is drawn from the Global Respect Act (HR 2491, S 1172).]
- The President shall transmit to Congress a list of foreign persons responsible for or complicit in human rights abuses targeting LGBTI individuals, with appropriate procedures to add or remove individuals from the list, or to waive provisions of the law in the interest of national security.
- Subject to waivers, individuals designated on the list are ineligible for U.S. visas or entry to the United States and are subject to removal and the President shall report annually on actions to enforce this provision.
- It is the sense of Congress that individuals on this list should be considered for additional sanctions designations under existing sanctions authorities.
- The Immigration and Nationality Act (Section 212) is amended to add a new INA exclusion for LGBTI persecution for “any alien who, while serving as an official of a foreign government, was responsible for or directly carried out serious violations of the human rights of LGBTI people.” [Modeled on INA 212(a)(2)(G), which excludes “any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom.”]

Section 5: Combating Criminalization of LGBTI Status, Expression or Conduct

- Secretary of State, with USAID Administrator, shall produce an annual strategic review of decriminalization, analyzing the progress and impediments to decriminalization of LGBTI status, expression or conduct globally. They also shall identify, together with the Attorney General, countries that would benefit from U.S. criminal justice or rule of law programming or other public diplomacy programs in support of decriminalization and law reform.

Section 6: Foreign Assistance to Protect Human Rights of LGBTI People

- Codifies the Global Equality Fund (GEF) in the State Department to protect human rights defenders and provide technical assistance and other capacity-building support for nascent human rights and LGBTI rights organizations.
- Codifies the LGBTI Global Development Partnership (GDP) at USAID for similar purposes.
- Secretary of State shall report annually to Congress on the work of these funds.
- Codifies non-discrimination in service delivery for all programs and services funded by U.S. assistance through any foreign affairs agency, contractor, subcontractor or implementing partner and their subs. Secretary of State to report quarterly on monitoring of this provision.

Section 7: Global Health Inclusivity

- Requires PEPFAR monitoring of non-discrimination provisions.

- Requires a PEPFAR report describing criminal sanctions for the use of PEPFAR-funded commodities, such as condoms, including cases where access to PEPFAR-funded goods or services is used as evidence to arrest, detain or prosecute individuals to enforce domestic laws on sex work or consensual sexual activity.
- Requires a PEPFAR report describing the impact of index testing and partner notification services.
- Removes existing limitations based on “Global Gag Rule,” “Anti-Prostitution Pledge,” the PEPFAR refusal clause, and abstinence earmark.

Section 8: Immigration Reform

- Codifies LGBTI identities as a social group in the Immigration and Nationality Act for asylum and refugee determinations.
- Requires statistical reporting by USCIS on the number of refugee and asylum determinations based on LGBTI protection grounds.
- Repeals 1-year filing deadline for all asylum cases.
- Mandates equal treatment in all U.S. immigration proceedings for unmarried same-sex immigrant partners who come from countries where same-sex marriage is not available.
- Provides a right to counsel in immigration removal proceedings in the United States and the opportunity to be represented by counsel in refugee determination proceedings overseas.
- Creates “Priority 2” or “P2” processing for LGBTI applications to the US Refugee Admissions Program overseas.
- Encourages LGBTI persons to disclose LGBTI identities during U.S. refugee admission determinations and creates a training program to ensure an environment where they feel safe disclosing; guarantees LGBTI-sensitive refugee resettlements to the United States.
- Provides for presumptive release of vulnerable persons, including LGBTI individuals, from immigration detention; limits segregation for LGBTI individuals remaining in immigration detention.
- Sense of Congress that DHS should hire sufficient number of Refugee Corps officers for refugee interviews to be held within 180 days.

Section 9: Engaging International Organizations in the Fight Against LGBTI Discrimination

- Sense of Congress that the U.S. should lead on efforts in the United Nations to ensure that human rights norms, development principles, and political rights are fully inclusive of LGBTI populations.
- Sense of Congress that the U.S. should lead on efforts within international financial institutions, including the World Bank and regional development banks, similarly should be used to leverage economic development goals that are fully inclusive of all populations, including LGBTI.

- Secretary of State should seek appropriate opportunities to encourage fairness toward LGBTI populations in discussions with and/or participation in the full range of regional fora with which we engage. These include the Organization of American States, the Organization for Security and Cooperation in Europe, the European Union, the African Union, and ASEAN.
- Secretary of State shall promote diplomatic coordination through the Equal Rights Coalition.

Section 10: Representing the Rights of United States LGBTI Citizens Deployed to Diplomatic and Consular Posts

- Sense of Congress that the Secretary of State should prioritize efforts to ensure that foreign governments do not impede assignment of U.S. LGBTI citizens and families abroad to serve in U.S. diplomatic and consular posts; support visa requests by U.S. business for their LGBTI employees working abroad.
- Secretary of State shall use appropriate diplomatic efforts to ensure visas for LGBTI families in posts abroad.
- Secretary of State shall submit a classified report to Congress listing countries that refuse to grant accreditation to LGBTI employees of the State Department or their families, including efforts taken in response.

Section 11: Definitions

- Limited definitions taken from existing bills.